



Environmental Stewardship Program

Eligibility Requirements

The Environmental Stewardship Program (ESP) has three eligibility requirements:

1. A standard of environmental compliance;
2. A fully implemented environmental management system (EMS) and commitment to maintaining it; and,
3. A commitment to continuous environmental improvement.

1. Standard of Environmental Compliance

ESP members must have a record of positive compliance with environmental laws and commit to maintaining the level of compliance needed to qualify for ESP as expected of “environmental stewards.” In evaluating an applicant's compliance record, IDEM will consult available databases and enforcement information sources. Applicants can check their facility's Federal compliance record for the last two years with EPA's Enforcement and Compliance History Online at www.epa.gov/echo/. Please note, this tool provides a two-year snapshot and applicants' compliance records are calculated over longer time frames for ESP.

Participation in ESP will not be appropriate if the compliance screen shows any of the following, under federal or state law:

- Corporate criminal conviction or plea for environmentally-related violations of criminal laws involving the entity or an officer within the past 5 years.
- Criminal conviction or plea of employee at the entity for environmentally-related violations of criminal laws within the past 5 years.

Participation in ESP may not be appropriate if the compliance screen shows any of the following, under federal or state law:

- Ongoing criminal investigation or prosecution of corporation, corporate officer, or employee at the same facility for violations of environmental law.
- Three or more significant violations at the facility in the past 3 years.
- Unresolved, unaddressed Significant Non-Compliance (SNC) or Significant Violations (SV) at the facility.
- Planned but not yet filed judicial or administrative action at the facility.
- Ongoing EPA- or state-initiated litigation at the facility.
- Situation where a facility is not in compliance with the schedule and terms of an order or decree.
- History of significant problems or a pattern of noncompliance at the entity.

2. EMS Requirements and Independent EMS Assessment

EMS Requirements

Applicants must certify they have adopted and implemented an EMS that meets the following elements:

1. Evidence of senior management support, commitment, and approval.
2. A written environmental policy directed toward compliance, pollution prevention, and continuous improvement.
3. Identification of the environmental aspects at the entity.
4. Prioritization of the environmental aspects and a determination of those aspects deemed significant considering, at the minimum, environmental impacts and applicable laws and regulations.



Environmental Stewardship Program

Eligibility Requirements

5. Established priorities, and environmental objectives and targets for continuous improvement in environmental performance and for ensuring compliance with applicable environmental laws, regulations, and permit conditions. Objectives and targets must go beyond current legal requirements and specify the:

- Environmental media;
- Types of pollution to be prevented or reduced;
- Implementation activities; and,
- Projected time frames.

A member of senior management shall approve three (3) continuous environmental improvement initiatives for each membership term. One (1) initiative shall be identified at the time of the initial or renewal application and the remaining initiatives shall be identified each year at the time the annual summary is submitted to IDEM.

6. An established community outreach mechanism that includes the following:
 - Identifying and responding to community concerns.
 - Informing the community of important matters that affect the community.
 - Reporting on the EMS, including, at a minimum, reporting to the public on the environmental policy and significant aspects.
 - Through the annual summary, reporting on the environmental improvement initiatives, including progress towards the most recent environmental improvement initiatives identified in the application or annual summary.
7. Incorporation of environmental and pollution prevention planning in the development of new products, processes, and services and modifications of existing processes.
8. Evidence of clear responsibility for implementation, training, monitoring, EMS maintenance, and taking corrective action and for ensuring compliance with applicable environmental laws, regulations, and permit conditions. Examples for ensuring environmental compliance include third-party environmental consultant compliance audits, corporate environmental compliance audits, and IDEM Confidential & Technical Assistant Program compliance site visits.
9. Documentation of the implementation procedures and the results of implementation.
10. Appropriate written EMS procedures.
11. An annual evaluation of the EMS with written results provided to senior management and affected employees.

Independent EMS Assessment

Because each facility is unique, the scope and formality of the EMS will vary according to the facility size, sector, and complexity. To ensure the EMS meets the ESP eligibility requirements, each facility must conduct an independent EMS assessment prior to applying to ESP. The independent EMS assessment must be conducted in accordance with the following criteria:

- The independent EMS assessment must have been performed within the past thirty-six (36) calendar months by a third-party ISO 14001:2004 EMS Lead Auditor as certified by the Registrar Accreditation Board (RAB) or the Board of Environmental, Health & Safety Auditor Certifications



Environmental Stewardship Program

Eligibility Requirements

(BEAC). The Lead Auditor selected by the facility cannot be directly employed by the applying facility nor have played a substantive role in developing the facility's EMS**.

- When performing the independent EMS assessment, the Lead Auditor can use the ISO 14001:2004 certification audit, Responsible Care EMS or 14001 audits, or ESP Independent Assessment Protocol. The ESP Independent EMS Assessment Protocol is available at <http://www.in.gov/idem/4132.htm>. In addition to these recognized audit formats and protocols, facilities can use other protocols that cover all of the provisions of the ESP Independent Assessment Protocol, like a corporate audit, with approval from IDEM.

***IDEM staff cannot recommend auditors to perform the independent EMS assessment; however, a list of ISO 14001:2004 EMS Lead Auditors qualified to perform independent EMS assessments is available at <http://www.rabqsa.com/internalqsa/?module=audSearch&func=search>. Be sure to search the certification scheme criteria using the "competency-based environmental auditor" and the "qualification-based environmental auditor."*

3. Commitment to Continuous Environmental Improvement

To submit a successful application, facilities need to commit to continued environmental improvement. Commitments are categorized and measured according to the Environmental Performance Table. The Environmental Performance Table groups environmental indicators as follows:

- Upstream Stage: Material Procurement and Suppliers' Environmental Performance
- Inputs Stage: Material Use, Water Use, Energy Use, and Land Use
- Non-product Outputs Stage: Air Emissions, Discharges to Water, Waste generation and disposal, Noise, Odor, and Vibration
- Downstream Stage: Products

Commitments are chosen by the facility, not by IDEM. Commitments should relate to the facility's environmental aspects identified in the EMS and should take into account their significance, local environmental priorities, community concerns, and pollution prevention opportunities.

In committing to continued improvement, facilities should not rely on any actions that are intended to attain compliance with existing legal requirements at the Federal, state, tribal, or local levels. Improvements should represent actions beyond existing legal requirements.

Once a facility has determined it meets these three eligibility requirements, the facility can submit an application for membership to IDEM. The spring application round occurs April 1 – May 31 and the fall application round occurs September 1 – October 31 each year. Application materials are available at <http://www.in.gov/idem/4132.htm> or by calling (800) 988-7901.